

12(b)(6), made applicable to this adversary proceeding by Fed. R. Bankr. P. 7012(b); and
c) for failure to state with particularity the circumstances constituting fraud as required by
Fed. R. Civ. P. 9(b), made applicable to this adversary proceeding by Fed. R. Bankr. P.
7009.

3. An initial court conference was held in this matter on August 12, 2021, during
which the Court set a motion schedule with respect to parties intending to file motions to dismiss.
Dismissal motions are required to be filed on or before October 1, 2021.

4. Plaintiff initiated this adversary proceeding on or about July 6, 2021.

5. Plaintiff filed a First Amended Complaint in this proceeding on July 30, 2021
(hereafter, the “complaint”). A copy of the First Amended Complaint is attached hereto as Exhibit
“A”.

6. Plaintiff alleges in the complaint that it is a creditor of debtor Private Bankers Life
& Annuity Co., Ltd. (“PBLA”), and that it has an unsatisfied judgment against PBLA in the
amount of \$524,009,051.26. See Exhibit A, ¶ 8.

7. Plaintiff further alleges that PBLA oversaw a trust on behalf of Plaintiff, that PBLA
was ultimately owned by Greg E. Lindberg (“Lindberg”), and that Lindberg conspired with others
to transfer hundreds of millions of dollars of trust assets to Lindberg-controlled limited liability
companies and corporations. See Exhibit A, ¶¶ 1-5.

8. Plaintiff named ninety-three (93) defendants in its complaint, including Hutchison,
and has asserted the six causes of action, namely: voidable transfer; unjust enrichment;
conversion; constructive trust; fraud; and breach of fiduciary duty. See Exhibit A.

9. Hutchison is a regional law firm with two offices in North Carolina and one in
Georgia.

10. The complaint does not contain a single substantive allegation with respect to Hutchison.

11. Instead, the complaint groups Hutchison together with dozens of corporate or commercial defendant entities which are or were alleged alter egos of Lindberg, referring to them collectively as the “Lindberg Affiliates”. See Exhibit A, ¶ 105 (stating, “[t]he above listed Defendants are all affiliates of Lindberg ("Lindberg Affiliates") and alter egos of Lindberg, each other, and other corporate entities owned and controlled by Lindberg”).

12. In totality, the complaint contains the following single ministerial allegation with respect to Hutchison:

Defendant Hutchison Law Group, PLLC is a North Carolina professional limited liability company located at 3110 Edwards Mill Road, Suite 300, Raleigh, NC 27612. It has no members who are citizens of Puerto Rico.

[Exhibit A, ¶ 69].

13. The complaint does not allege that Hutchison committed any tortious, actionable or wrongful acts with respect to the Plaintiff or Debtor entities.

14. The complaint does not identify any tortious, actionable or wrongful acts or omissions by Hutchison.

15. The complaint does not contain any particular allegations against Hutchison which relate to any of the causes of action asserted therein or which could constitute any elements of same.

16. Hutchison is not a proper party to this adversary proceeding.

17. Pursuant to the Chamber’s Rules of the Honorable Lisa G. Beckerman, attached hereto as Exhibit “B” is the movant’s proposed order.

Pursuant to 28 U.S.C. § 1746, I declare, under the penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: October 1, 2021
New York, New York



LIAM O'BRIEN